

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

IN RE:)	
CLEMMER'S CONSTRUCTION, LLC)	CASE NO. 23-40136
)	CHAPTER 11
Debtor.)	
)	

MOTION TO APPROVE APPLICATION FOR ACCOUNTANT FEES AND EXPENSES

COMES NOW the Debtor, Clemmer's Construction, LLC, by and through counsel, and moves the Court to approve the attached APPLICATION FOR INTERIM ACCOUNTANT'S FEES AND REIMBURSEMENT OF EXPENSES of Edward P. Bowers, the accountant for the Debtor.

WHEREFORE, the Debtor prays that the Court enter its order approving the Bowers application and directing that the Debtor pay the amounts approved.

This the 13th day of November, 2023.

/s/ R. Keith Johnson
R. KEITH JOHNSON
Attorney for Debtor
1275 S. NC 16 Bus. Hwy.
Stanley, NC 28164
(704) 827-4200
NCSB 8840

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

IN RE:)
CLEMMER'S CONSTRUCTION, LLC) CASE NO. 23-40136
) CHAPTER 11
Debtor.)
_____)

NOTICE OF OPPORTUNITY FOR HEARING

(No Protest Notice: No Hearing Will Be Held Unless Request For Hearing is Filed)

TAKE NOTICE that Clemmer's Construction, LLC has filed a **MOTION TO APPROVE APPLICATION FOR ACCOUNTANT FEES AND EXPENSES** with the Court. A copy of that motion is included with this notice.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to order the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before **fourteen (14) days** from the date of this notice, you or your attorney must do three things:

1. **File a written response with the court requesting that the court hold a hearing and explaining your position. File the response at:**

Clerk, United States Bankruptcy Court
Charles R. Jonas Federal Building
401 W. Trade St.
Charlotte, NC 28202

If you mail your request to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

2. **On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:**

R. Keith Johnson
Law Office of R. Keith Johnson, P.A.
1275 S. NC Bus. Hwy. 16
Stanley, NC 28164

Shelley Abel
U. S. Bankruptcy Administrator
402 W. Trade St.
Charlotte, NC 28202

3. **Attend the hearing scheduled for December 15, 2023 at 10:30 a.m. at the Cleveland County Courthouse, 100 Justice Place, Shelby, North Carolina.**

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD**, and the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

This the 13th day of November, 2023.

/s/ R. Keith Johnson
R. KEITH JOHNSON
Attorney for Debtor
1275 S. NC 16 Bus. Hwy.
Stanley, NC 28164
(704) 827-4200
NCSB 8840

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

IN RE:)
 CLEMMER'S CONSTRUCTION, LLC)
)
 Debtor.)
 _____)

CASE NO. 23-40136
 CHAPTER 11

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on the below date, the undersigned served a copy of the **MOTION TO APPROVE APPLICATION FOR ACCOUNTANT FEES AND EXPENSES** either electronically or by depositing, enclosed in a postpaid wrapper, properly addressed to the following parties in interest, at their last known addresses as shown below, and to the entire creditor matrix, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

Clemmer's Construction, LLC
1402 Mirror Lake Rd.
Lincolnton, NC 28092

James David Nave (ECF)
Chapter 11 Trustee

Shelley Abel (ECF)
Bankruptcy Administrator

This the 13th day of November, 2023.

/s/ R. Keith Johnson
R. KEITH JOHNSON
Attorney for Debtor
1275 S. NC 16 Bus. Hwy.
Stanley, NC 28164
(704) 827-4200
NCSB 8840

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

IN RE:)	
)	
CLEMMER'S CONSTRUCTION, LLC)	Case #23-40136
)	Chapter 11
)	Subchapter V
Debtor)	
)	
)	
)	

**APPLICATION FOR INTERIM ACCOUNTANT'S FEES AND
REIMBURSEMENT OF EXPENSES**

Edward P. Bowers, Certified Public Accountant, respectfully represents to the Court as follows:

1. That pursuant to Order of this Court, he was authorized to act as accountant for the debtor herein.

2. In his service for the debtor, your applicant has performed the services enumerated on the attached Exhibits which are incorporated herein by reference.

3. Your applicant feels that he has rendered valuable service to the debtor herein and request interim enumeration totaling the sum of \$3,982.75 and expenses of \$2.80 for a total of \$3,985.55.

Dated: November 9, 2023



Edward P. Bowers
Middleswarth, Bowers & Co., L.L.P.
219-A Wilmot Drive
Gastonia, NC 28054
(704) 867-2394

EXHIBIT A
SUMMARY OF PRIOR FEE APPLICATIONS

<u>Application Date</u>	<u>Accountant Fees Applied For</u>	<u>Accountant Expenses Applied For</u>	<u>Accountant Fees & Expenses Received</u>	<u>Order Date</u>
None				

EXHIBIT B
USER TIME SUMMARY

	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Fees:				
	Edward P. Bowers	Partner	6.15	300.00
				1,845.00
	Michael T. Bowers	Partner	0.00	300.00
				0.00
	Akiko Bowers	Bookkeeper	25.15	85.00
				<u>2,137.75</u>
			Total Fees	<u>3,982.75</u>
Expenses:				
	PACER Charges			<u>2.80</u>
			Total Expenses	<u>2.80</u>
			Total Fees & Expenses	<u><u>3,985.55</u></u>

Middleswarth, Bowers & Co. L.L.P.**Invoice by WorkType with Subtotals****Invoice #I-916**

Bill Date Time Date	Client ID Employee	Client Name WorkCode	Hours	Amount	Description
11/08/2023	2340136	Clemmer's Construction,			
WorkType:601A - Tax Issues					
09/15/2023	EPB	601 - TAX ISSUES	1.1	\$330.00	Meet with Michael re books and tax issues.
09/15/2023	EPB	601 - TAX ISSUES	0.75	\$225.00	Research re ITIN's for workers and other employee requirements.
Subtotal WorkType:601A - Tax Issues			1.85	\$555.00	
WorkType:602A - Accounting Services					
09/18/2023	EPB	602 - ACCOUNTING	0.5	\$150.00	Work on setting up books. Work with AAB
09/18/2023	AAB	602 - ACCOUNTING	4.85	\$412.25	Keypunch
09/19/2023	EPB	602 - ACCOUNTING	0.25	\$75.00	Review bank records to determine completeness
09/20/2023	AAB	602 - ACCOUNTING	5.6	\$476.00	Keypunch
09/21/2023	AAB	602 - ACCOUNTING	4.8	\$408.00	Keypunch
09/25/2023	EPB	602 - ACCOUNTING	0.2	\$60.00	Call with KJ re schedules. Download and review bank statement.
09/26/2023	AAB	602 - ACCOUNTING	1.3	\$110.50	Keypunch
09/26/2023	AAB	602 - ACCOUNTING	1.1	\$93.50	Work on spreadsheet
09/27/2023	AAB	602 - ACCOUNTING	3.15	\$267.75	Keypunch
09/28/2023	AAB	602 - ACCOUNTING	2.6	\$221.00	Spreadsheet reports
10/04/2023	AAB	602 - ACCOUNTING	0.25	\$21.25	Work on spreadsheet
10/04/2023	EPB	602 - ACCOUNTING	0.1	\$30.00	Email August info to Clemmer for descriptions.
10/16/2023	AAB	602 - ACCOUNTING	0.5	\$42.50	Phone call with Michael and enter data on spreadsheet
10/16/2023	AAB	602 - ACCOUNTING	0.25	\$21.25	Work on report
10/16/2023	AAB	602 - ACCOUNTING	0.25	\$21.25	Print bank statements and redact acct. Scan same
11/06/2023	AAB	602 - ACCOUNTING	0.5	\$42.50	Enter bank info
Subtotal WorkType:602A - Accounting Services			26.200	\$2,452.75	
			000000		
WorkType:603A - Forensic Services					
08/03/2023	EPB	603 - FORENSIC	0.4	\$120.00	Call with Keith Johnson re case and requirements.
09/11/2023	EPB	603 - FORENSIC	0.15	\$45.00	Call with Clemmer. Email to Johnson.
09/15/2023	EPB	603 - FORENSIC	0.1	\$30.00	Call with K Johnson

EXHIBIT C

Page 2 of 2

Middleswarth, Bowers & Co. L.L.P.

Invoice by WorkType with Subtotals

Invoice #I-916

Bill Date Time Date	Client ID Employee	Client Name WorkCode	Hours	Amount	Description
11/08/2023	2340136	Clemmer's Construction,			
09/26/2023	EPB	603 - FORENSIC	0.4	\$120.00	Work with AAB re needed schedules
09/26/2023	EPB	603 - FORENSIC	0.35	\$105.00	Work with AAB re Insiders
09/28/2023	EPB	603 - FORENSIC	0.5	\$150.00	Work on 90 Days vendor listing. Work with AAB. Call from Johnson
09/28/2023	EPB	603 - FORENSIC	0.2	\$60.00	Complete insider. Email to Johnson.
10/10/2023	EPB	603 - FORENSIC	0.1	\$30.00	Email reminder re monthly status report info needed.
10/13/2023	EPB	603 - FORENSIC	0.1	\$30.00	Call re status report info
10/16/2023	EPB	603 - FORENSIC	0.1	\$30.00	Call with Mike re status report info
10/16/2023	EPB	603 - FORENSIC	0.75	\$225.00	Work with AAB on status report info. Prepare draft of status report. Call with Clemmer.
10/31/2023	EPB	603 - FORENSIC	0.1	\$30.00	Text to Clemmer re info needed.
Subtotal WorkType:603A - Forensic Services			3.2500	\$975.00	
			000000		
WorkType:Expenses - TEX					
09/30/2023		815 - Research Pacer for		\$2.80	
Subtotal WorkType:Expenses - TEX				\$2.80	
Invoice Total:			31.300	\$3,985.55	
			000000		

Label Matrix for local noticing
0419-4
Case 23-40136
Western District of North Carolina
Shelby
Mon Nov 13 09:58:03 EST 2023

Clemmer's Landscape, Inc.
1402 Mirror Lake Rd.
Lincolnton, NC 28092-7914

1402 Mirror Lake Rd.
Lincolnton, NC 28092-7914

Clemmer's Construction, LLC
1402 Mirror Lake Rd.
Lincolnton, NC 28092-7914

Commercial Credit Group
525 N. Tryon St., Ste. 1000
Charlotte, NC 28202-0210

Concrete Supply Co.
3823 Raleigh St.
Charlotte, NC 28206-2042

Concrete Supply Co., Inc.
Rita Jenkins
PO Box 5247
Charlotte, NC 28299-5247

Crete Solutions, LLC
Ward and Smith, P.A.
c/o J. Michael Fields, Esq.
Post Office Box 8088
Greenville, NC 27835-8088

Crete Solutions, LLC
2005 Eastwood Rd., Ste. 200
Wilmington, NC 28403-7233

Crete Solutions, LLC
c/o J. Michael Fields, Esq.
Post Office Box 8088
Greenville, NC 27835-8088

James Michael Fields
Ward and Smith, P.A.
PO Box 8088
Greenville, NC 27835-8088

(p) INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Internal Revenue Service
P.O. Box 7317
Philadelphia, PA 19101-7317

(c) R. KEITH JOHNSON
1275 S NC 16 BUSINESS HWY
STANLEY NC 28164-8822

Niall T. McLachlan
Commercial Credit Group Inc
525 N. Tryon Street
Ste 1000
Charlotte, NC 28202-0210

Michael Clemmer
1402 Mirror Lake Rd.
Lincolnton, NC 28092-7914

NC Department of Revenue
P. O. Box 25000
Raleigh, NC 27640-0100

James David Nave
James David Nave, Attorney
51 Lawrence Place
Asheville, NC 28801-1428

North Carolina Department of Revenue
Bankruptcy Unit
P.O. Box 1168
Raleigh, NC 27602-1168

Carl H. Petkoff
Maynard Nexsen PC
Post Office Box 486
Charleston, SC 29402-0486

U.S. Bankruptcy Administrator Office
401 W. Trade Street
Suite 2400
Charlotte, NC 28202-1633

U.S. Securities Exchange
Office of Reorganization
950 East Paces Ferry Road, N.E.
Suite 900
Atlanta, GA 30326-1382

(p) UNITED STATES ATTORNEY'S OFFICE WDNC ASHEV
100 OTIS STREET
ROOM 233
ASHEVILLE NC 28801-2688

Westlake Financial
4751 Wilshire Blvd., #100
Los Angeles, CA 90010-3847

Westlake Financial Services
4751 Wilshire Blvd, Suite 100
Los Angeles, CA 90010-3847

Internal Revenue Service
320 Federal Place
Greensboro, NC 27401

United States Attorney
Federal Courthouse Rm. 233
100 Otis Street
Asheville, NC 28801-2608

Addresses marked (c) above for the following entity/entities were corrected
as required by the USPS Locatable Address Conversion System (LACS).

R. Keith Johnson
1275 South Hwy 16
Stanley, NC 28164

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Edward P Bowers

(d)Commercial Credit Group Inc
525 N. Tryon St.
Suite 1000
Charlotte, NC 28202-0210

(u)Concrete Supply Co., Inc.

End of Label Matrix
Mailable recipients 24
Bypassed recipients 3
Total 27